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### **REMARKS**

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

Applicant has enclosed a check for the fee necessary for added claims.

#### **Amendment to Specification**

Applicant has amended the specification by adding a sentence to include a specific reference to prior applications, from which priority is claimed.

#### **Amendment to Claims**

Applicant has amended Claim 1 by adding the limitations of Claim 35. Thus, Claim 1 now represents the independent form of Claim 35.

Applicant has amended Claim 11 by adding the limitations of Claims 2-4 and 6-10, inclusive. Claim 11 is now in independent form.

Applicant has amended Claim 14 to depend on Claim 38, and Claim 15 to depend on Claim 13.

Applicant has amended each of Claims 34, 38 and 41, by adding the limitations of Claim 1. Each of Claims 34, 38 and 41 is now in independent form.

Applicant has amended Claim 35 to depend upon Claim 34.

Applicant has canceled Claims 45-54, inclusive, without prejudice.

The above Amendment adds no new matter to this Patent Application.

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### **Information Disclosure Statement**

At Page 2 of the Office Action, the Examiner states that the Information Disclosure Statement filed on 12 July 2002 fails to comply with 37 C.F.R. 1.98(a)(2), because Applicant did not provide a translated copy of a foreign patent document.

MPEP 609.04(a)(III) states:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

On 05 February 2002, Applicant filed an English language version of the International Search Report, corresponding to International Application PCT/EP00/04758, which identified German Patent Reference DE 87 14 995 U, as a Category A document defining the general state of the art which is not considered to be of particular relevance. Thus, Applicant believes that the Examiner is required to review the German language version of German Patent Reference DE 87 14 995 U, without Applicant providing a legible translated copy of the foreign patent document. If the Examiner requires a translation under MPEP 901.05(d), Applicant understands that the Examiner will request a translation.

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Applicant also points out that Page 2 of the Substitute Specification discusses German Patent Reference DE 87 14 995 U1.

Applicant believes that the above remarks overcome the objection to the Information Disclosure Statement.

### **Objection to Specification**

Applicant has amended the specification to include a specific reference to the priority claims, which were originally submitted in an executed German Language Declaration, filed on 05 February 2002.

The disclosure has also been objected to, at Page 4 of the Office Action, for not containing proper headings. Applicant filed a Substitute Specification, on 05 February 2002, which contains the proper headings for the different sections. Should the Examiner require a copy of the Substitute Specification, Applicant kindly requests the Examiner to contact the undersigned, preferably by telephone.

Applicant believes that the above Amendment and Remarks overcome the objection to the specification.

### **Claim Objections/Allowable Subject Matter**

Claim 10 has been objected to for the reasons set forth at Page 4 of the Office Action. Applicant has amended Claims 10 and 11 to clarify the language of Claim 10.

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Applicant has canceled Claim 51.

Claims 11-17, 19-23, 34, 35, 38 and 41 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form to include all limitations of the base claim and any intervening claims.

Applicant has added the limitations of Claim 35 to Claim 1, which now represents the independent form of Claim 35.

Applicant has added the limitations of Claims 2-4 and 6-10 to Claim 11, which is now in independent form.

Applicant has amended each of Claims 34, 38 and 41, by adding the limitations of Claim 1. Applicant believes that each of Claims 34, 38 and 41 is now in independent form.

In view of the allowable subject matter identified by the Examiner, and the above Amendment, Applicant believes that each remaining independent claim is allowable and each dependent claim depends upon an allowable independent claim. Thus, Applicant believes that all claims are now in condition for allowance.

**Claims Rejections - 35 USC § 102 and 35 USC § 103**

At Pages 5-10 of the Office Action, the Examiner identifies rejected claims, for the reasons set forth in the Office Action.

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Applicant believes that all claims rejections under 35 USC § 102 and 35 USC § 103 are now moot, particularly in view of the above Amendment.

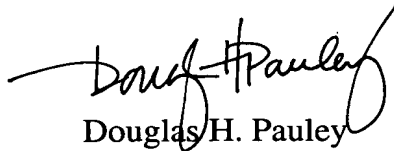
### **Summary of Telephone Interview**

The undersigned received the Interview Summary, mailed on 05 June 2006. The undersigned agrees with the substance of the Interview as identified in the Interview Summary. In addition, the undersigned pointed out differences of the diaphragm member taught by Williams et. al., U.S. Patent 5,749,850.

### **Conclusion**

Applicant believes that the above Amendment and remarks address each and every issue raised by the Examiner and overcome each and every objection and rejection. However, should the Examiner detect any remaining issue, Applicant kindly requests the Examiner to contact the undersigned, preferably by telephone.

Respectfully submitted,



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